

**DENTISTRY EXAMINING BOARD
MADISON, WI
SEPTEMBER 28, 2005**

PRESENT: Lori Barbeau, DDS; Bruce Barrette, DDS; David Carroll, RDH; Keith Clemence, DDS; Nanette Kosydar Dreves, RDH; Wilber Gill, DDS; Karen Jahimiak, DDS; Richard Strand, DDS; and Anne N. Taylor

EXCUSED: Linda Bohacek, RDH; Judith Ficks

STAFF PRESENT: Tom Ryan, Bureau Director; Dennis Schuh, Legal Counsel; Jacquelyn Rothstein, Office of Legal Services, PJ Monson, Bureau Assistant

GUESTS: Marc C. Blum, DDS, appointed Board member; Kirk R. Ritchie, DDS, appointed board member; Mara Brooks and Eva Dahl, DDS, WDA; Peter Theo and Shirley Gutkowski, RDH, WDHA; Jeremy Levin, Wisconsin Medical Society

CALL TO ORDER

Chair, Dr. Bruce Barrette called the meeting to order at 8:34 a.m. A quorum of 9 DEB members was present.

WELCOME NEW APPOINTMENTS

The Board welcomed Kirk R. Ritchie, DDS and Marc C. Blum, DDS, to the meeting.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

MOMENT OF SILENCE

A moment of silence and reflection in memory and remembrance of the victims of Hurricane Katrina and Rita was called for my Chair, Dr. Bruce Barrette.

APPROVAL OF AGENDA

Items removed from agenda

- Item "R" - Order Fixing Costs in the matter of disciplinary proceedings against Richard Vander Heyden, DDS
- Item "G" – Rule Draft Review for final adoption – Wis. Admin. Code § DEN 2.015

MOTION: Dr. Gill moved, seconded by Dr. Clemence, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 13, 2006

Amendments to minutes:

- Replace RDH w/DDS to Dr. Clemence in the Motion on page 4.

MOTION: Dr. Gill moved, seconded by Dr. Jahimiak, to approve the July 13, 2005 minutes with amendment. Motion carried unanimously.

ADMINISTRATIVE REPORT

2006 Meeting and Screening Dates – final schedule:

MOTION: Dr. Gill moved, seconded by Dr. Clemence, to approve the 2006 meeting and screening dates: 1/11, 3/1, 5/3, 7/12, 9/6, 11/1/06. Motion carried unanimously.

Secretary Jackson:

Secretary Jackson briefed the Board on DRL's response for professionals affected by the recent hurricanes. She also emphasized the importance of good communication between Boards and the Department.

Later in the meeting, she responded on Dr. Strand's frustration expressed regarding the bureaucracy and delays in DRL's handling of complaints and disciplines. Dr. Gill requested a hard copy mailing of the Regulatory Digest to credential holders. Sec. Jackson encouraged the use of the website for this purpose.

Dr. Barrette requested information on the number of "hits" to the DEB web site. Deputy Sec. Rowe reported that this is available.

Building update:

Renovation is on schedule and the next DEB meeting will be in the new board rooms.

Increased mileage rate:

Mr. Ryan advised the Board of the increase in the mileage reimbursement rate to \$0.385.

Transfer of discipline cases:

Eric Callisto addressed the Board with regard to two of Catherine Schleis' cases that were sent to Ms. Bohacek during the transition in Board membership. Mr. Callisto indicated that the cases were transferred to Ms. Bohacek after Ms. Schleis told DOE staff that she was no longer on the Board. DOE staff will verify Board member status prior to transferring cases in the future.

**PRESENTATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

Raymond L. Schneider, DDS

Attorney Gil Lubcke, DOE, appeared before the Board to present the proposed stipulation in the matter concerning Raymond L. Schneider, DDS.

Robert Filete, DDS

Attorney Pam Stach, DOE, appeared before the Board to present the proposed stipulation in the matter concerning Robert Filete, DDS.

Kenneth R. Sachtjen, DDS

Attorney David Hart, DOE, appeared before the Board to present the proposed stipulation in the matter concerning Kenneth R. Sachtjen, DDS.

Dale Falk, DDS

Attorney Gil Lubcke, DOE, appeared before the Board to present the proposed stipulation in the matter concerning Dale Falk, DDS.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND
ORDERS RECEIVED AFTER MAILING OF AGENDA**

None.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,
AND ADMINISTRATIVE RULES**

Attorney Schuh reviewed the summary reports as they relate to the Dentistry Board.

**ACCEPTANCE OF REGIONAL DENTAL AND DENTAL HYGIENE
LICENSING EXAMS**

Dr. Barrette read a statement on this subject on behalf of Dr. Strand, Ms. Dreves and himself. He stated that the Board had authorized Drs. Strand and Barrette and Ms.

Dreves to attend the NERB and SRTA examinations and bring back recommendations to the Board. He noted that Dr. Strand has participated in 25 CRDTS and 3 WREB examinations, Dr. Barrette has participated in 15 CRDTS and 3 WREB examinations, and Ms. Dreves has participated in 10 CRDTS, and 1 WREB examination.

They attended the February 3 annual meeting of NERB in Washington, D.C. and had examined for NERB at the University of Pennsylvania – Dr. Strand, Howard University – Dr. Barrette and Michigan – Ms. Dreves.

Drs. Strand and Barrette have also participated as examiners for SRTA at Virginia and South Carolina respectively.

Based on the findings that the NERB examination is equivalent to the CRDTS examination insofar as both are identical now and that NERB in the past was substantially equivalent to CRDTS, it was recommended that NERB be recognized for licensure in Wisconsin and that recognition be retroactive for 5 years.

Regarding the SRTA examination, there was a concern about the Periodontics portion both in the past and the future direction of that portion as outlined in the letter from SRTA. Therefore, it was recommended that the Board take no action but continue to monitor developments with the SRTA examination.

Regarding the WREB examination, Dr. Barrette indicated that exam content and scoring are a concern, creating a situation where critical skills relating to fixed prosthetic preparation and diagnosis and treatment planning are not assessed by the examination. It was recommended that ADEX Part I relating to diagnosis and treatment planning and ADEX Part III relating to fixed Prosthodontics be required. Further, it was stated that WREB scoring is compensatory, in contrast to the conjunctive scoring of CRDTS. As a result, a failure in one WREB skill area could be compensated by a score in another skill area whereas all 5 sections of ADEX must be individually passed. This will be re-assessed in 2006.

MOTION: Dr. Strand moved, seconded by Dr. Clemence, to accept the NERB examination for licensure in both Dentistry and Dental Hygiene and make it retroactive for 5 years from today's date. Motion carried unanimously.

MOTION: Dr. Strand moved, seconded by Dr. Gill, to accept the WREB examination for licensure for Dentistry with the provision that from this date forward, an applicant in addition to successful completion of the WREB examination must also successfully complete the ADEX exam portions Part I in diagnostic and treatment planning and Part III of the mannequin examination in

Fixed Prosthodontics. Motion carried. Dr. Barbeau and Ann N. Taylor – opposed.

**RULE DRAFT REVIEW FOR APPROVAL
WIS. ADMIN. CODE DEN 11
ANESTHESIA/CONSCIOUS SEDATION RULE**

Jacquelyn Rothstein addressed the Board with the most recent draft versions of the anesthesia/conscious sedation rule. Dr. Clemence explained some of the changes that were made to the original version.

MOTION: Dr. Clemence moved, seconded by Dr. Barbeau, to accept the changes made in § DEN 11.09 (7) Version II with regard to the changes in class. Motion carried. Dr. Strand opposed.

MOTION: Dr. Gill moved, seconded by Mr. Carroll, to approve Wis. Admin. Code § DEN 11 with the amendments of today's meeting. Motion carried unanimously.

MOTION: Dr. Gill moved, seconded by Mr. Carroll, to send Wis. Admin Code § DEN 11 to the legislature. Motion carried. Ms. Dreves opposed.

The Dentistry Examining Board acknowledged Jacquelyn Rothstein's contributions as Legal Counsel to the Board over the years with the presentation of a mounted wall clock and commemorative plaque.

**RULE DRAFTING RE: DENTAL HYGIENIST TRAINING REQUIREMENTS
FOR LOCAL ANESTHESIA ADMINISTERED BY APPLICATOR**

MOTION: Dr. Strand moved, seconded by Dr. Clemence, to accept the language in the rule drafting re: dental hygienist training requirements for local anesthesia administered by applicator and send it to the Clearinghouse. Motion carried unanimously.

Website Position Papers:

None.

Credentialing Committee Report:

Dr. Strand reported the credentialing committee approved 7 dentist applications, 3 dental hygienists and there were 3 license applications in need of additional information.

CRDTS Report:

Dr. Strand reported the failure rates from 2004 and 2005 for Dental and Dental Hygiene examinations, reviewed examination dates, and noted a new, integrated format is in place this year for the ADEX examination administered by CRDTS. Georgia and Hawaii have been granted membership in CRDTS. Dr. Strand noted that the cost of the ADEX is \$1400 and \$700 for each retake test.

AADE Report and ADEX Report:

Dr. Barrette indicated that next week is the AADE meeting in Philadelphia.

INFORMATIONAL ITEMS

Noted.

Invitation of New Appointment(s) into closed session

MOTION: Dr. Clemence moved, seconded by Mr. Carroll, to invite Dr. Blum and Dr. Ritchie into closed session. Motion carried unanimously.

CLOSED SESSION

MOTION: Ms. Dreves moved, seconded by Mr. Carroll, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1)(a)), Wis. Stat.; to consider licensure or discipline (Wis. Stat. § 19.85(1)(b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1)(f)), and, to confer with legal counsel (Wis. Stat. § 19.85(1)(g)). Motion carried by roll call vote: Lori Barbeau, DDS-yes; Bruce Barrette, DDS-yes; David Carroll, RDH-yes; Keith Clemence, DDS-yes; Nanette Kosydar Dreves, RDH-yes; Wilber Gill, DDS-yes; Karen Jahimiak, DDS-yes; Richard Strand, DDS-yes; Anne N. Taylor-yes.

Open Session recessed at 11:39 a.m.

RECONVENE TO OPEN SESSION

MOTION: Dr. Gill moved, seconded by Mr. Carroll, to reconvene into Open Session at 2:08 p.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED
SESSION, IF VOTING IS APPROPRIATE**

APPLICATION REVIEW

WALTER LUCAS, III, DDS

Walter Lucas, III, DDS, appeared before the Board to present additional information and answer questions regarding his application for a license to practice dentistry in Wisconsin.

MOTION: Dr. Jahimiak moved, seconded by Ms. Dreves, to accept Walter Lucas, III, DDS's application for a dental license. Motion carried unanimously.

HEATHER BERGER, RDH

Heather Berger, RDH, appeared before the Board to present additional information and answer questions regarding her application for a license to practice dental hygiene in Wisconsin.

MOTION: Ms. Dreves moved, seconded by Dr. Gill, to deny Heather Berger's application for a dental hygiene license. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS
AND ORDERS**

RAYMOND L. SCHNEIDER, DDS

MOTION: Dr. Jahimiak moved, seconded by Mr. Carroll, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Raymond L. Schneider, DDS. Motion carried unanimously. Dr. Gill was not present for deliberations and abstained from voting.

ROBERT FILETE, DDS

MOTION: Mr. Carroll moved, seconded by Ms. Dreves, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Robert Filete, DDS. Motion carried unanimously. Dr. Jahimiak was not present during deliberations and abstained from voting.

KENNETH R. SACTJEN, DDS

MOTION: Ms. Dreves moved, seconded by Mr. Carroll, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Kenneth R. Sachtjen, DDS. Motion carried unanimously. Dr. Strand was not present during deliberations abstained from voting. Dr. Clemence – no.

DALE FALK, DDS

MOTION: Ms. Dreves moved, seconded by Dr. Jahimiak, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Dale Falk, DDS. Motion carried. Dr. Clemence was not present during deliberations and abstained from voting. Dr. Barbeau-no, Dr. Barrette-yes, Mr. Carroll-no, Dr. Gill-no, Dr. Jahimiak-yes, Ms. Dreves-yes, Dr. Strand-yes, Ms. Taylor-yes.

CONSIDERATION OF ADMINISTRATIVE WARNING

02 DEN 032

MOTION: Dr. Clemence moved, seconded by Dr. Strand, to deny the administrative warning in case 02 DEN 032. Motion carried unanimously. Dr. Barbeau was not present during deliberations and abstained from voting. Ms. Dreves – no.

MONITORING

MICHAEL BEASLEY, DDS

MOTION: Dr. Barbeau moved, seconded by Dr. Gill, to grant Michael Beasley's request for reinstatement of full licensure. Motion carried unanimously.

WILLIAM BEAUPRE, DDS

MOTION: Dr. Strand moved, seconded by Dr. Clemence, to grant William Beaupre's request for a three month stay with modifications. Motion carried unanimously.

CASE CLOSINGS

02 DEN 064

MOTION: Ms. Dreves moved, seconded by Mr. Carroll, to close case **02 DEN 064** for no violation. Motion carried unanimously.

05 DEN 074

MOTION: Dr. Strand moved, seconded by Mr. Carroll, to close case **05 DEN 074** for no violation. Motion carried unanimously.

02 DEN 051

MOTION: Dr. Strand moved, seconded by Dr. Gill, to close case **02 DEN 051** for insufficient evidence. Motion carried unanimously.

05 DEN 040

MOTION: Dr. Gill moved, seconded by Dr. Barbeau, to close case **05 DEN 040** for prosecutorial discretion (P2). Motion carried unanimously.

02 DEN 125

MOTION: Dr. Gill moved, seconded by Mr. Carroll, to close case **02 DEN 125** for prosecutorial discretion (P2). Motion carried unanimously.

ADJOURNMENT

MOTION: Ms. Dreves moved, seconded by Dr. Jahimiak, to adjourn the meeting at 2:16 p.m. Motion carried unanimously.

NEXT DEB MEETING: November 2, 2005